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OFFICE OF PETITIONS

In re Application of
Cheng-Chieh Chuang
Application No. 10/603,901
Filed: October 16, 2003
Attorney Docket Number: 39524.6900

ON PETITION

This is a decision on the request for reconsideration filed November 26, 2004, under 37 CFR 1.182, in response to the decision dismissing the petition mailed October 19, 2004.

The request for reconsideration is **DISMISSED**.

The application was deposited June 25, 2003. However, on September 11, 2003, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of June 25, 2003 but advised that Figure 4b described in the specification appeared to have been omitted. A petition asserting that Figure 4b was in fact filed with the application papers on June 25, 2003, was filed September 27, 2004 and dismissed in a decision mailed October 19, 2004 because petitioners failed to submit evidence that Figure 4b was in fact included with the application upon filing. As a result, October 16, 2003 became the filing date, the date Figure 4b was supplied.

Comes now petitioner with the instant request for reconsideration. In furtherance of their claim that a complete application was filed on June 25, 2003, petitioner proffers a copy of a post card and a complete copy of application as filed to corroborate their assertion that the application had been filed with Figure 4b.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as **prima facie** evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. **See** section 503, **Manual of Patent Examining Procedure** (MPEP 503). Unfortunately, petitioners' postcard receipt does not bear an Office-date

stamp from the USPTO. As such, the postcard receipt does not serve as evidence that the items listed therein were received in the USPTO. If petitioner has a copy of the postcard receipt for this application with a USPTO "Office date" stamp, a copy of that postcard should be submitted with any renewed petition.

The filing date will not be changed and the application will be forwarded to Technology Center 2652 for examination in due course.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
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Office of Petitions